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September 30, 2003

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Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room 7W-A325
Washington, D.C. 20554

Re: *Ex Parte* Presentation by Cellular
Telecommunications & Internet Association ("CTIA")
WT Docket No. 02-353

Dear Secretary Dortch:

We have recently been made aware of an *Ex Parte* Presentation to Bryant Tramont and Sheryl Wilkerson of Chairman Powell's staff by CTIA in the above-entitled matter. In its letter covering the Presentation, CTIA evidently amplified its oral Presentation. It discusses the position of several parties, including ArrayComm, on the issue of whether the 1710-1755/2110-2155 MHz bands can practically accommodate both FDD and TDD systems. We are concerned that the basis for ArrayComm's position has not been properly articulated by CTIA.

It is CTIA's position, supported by the FDD proponents which it cites, that the entire band should be available for FDD operations. The inclusion of TDD, it is argued, will raise coexistence problems and will require extensive guard bands that will reduce the amount of usable spectrum. CTIA references a part of ArrayComm's Comments in this proceeding that purportedly supports CTIA's position.

TDD and FDD, in fact, coexist quite effectively in many countries, notably Australia. Coexistence of any diverse technologies, even when they are both FDD or both TDD can raise compatibility issues and requires careful planning and avoidance techniques.

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ArrayComm has consistently opposed random FDD or TDD assignments solely based on individual marketplace decisions. We have also opposed the pre-auction allocation of spectrum on a paired basis. Such an arrangement places would-be TDD bidders at a competitive disadvantage in an auction.

In this proceeding, as CTIA's letter points out, both Government and industry seem to have concluded that 1710-1755 MHz should be paired with 2110-2155 MHz for FDD operations. Under these circumstances, ArrayComm concluded in its Comments that efforts to develop a flexible band plan that would accommodate both technologies would be futile.

We would hope that future proceedings would avoid preconceived allocation assumptions that preclude TDD as a practical matter. Given the opportunity, ArrayComm is convinced that the public can enjoy the benefits of both technologies.

Pursuant to Section 1.1206 of the Commission's Rules, this letter is being electronically filed with your office.

Sincerely,

/s/
Leonard S. Kolsky
Counsel for ArrayComm

cc: Bryant Tramont
Sheryl Wilkerson
Diane Cornell